GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT

Labour Dispute :—Industrial Dispute between the Workmen and the Management of M. Vaman Nayak and Sons, K.S.R. Road, Mangalore-1.

Award of the Labour Court, Mangalore—published.

Read the following papers :

(1) Letter No. A/ID/LCM/40/70-71 dated 5th January 1971 from Sri Mohd. Hameeduddin Khan, Presiding Officer, Labour Court, Mangalore.

BEFORE THE LABOUR COURT AT MANGALORE.

dated 5th January 1971.

Reference (ID) (LCM) No 40 of 1970.

Present:

Mohd. Hammeduddin Khan, B.Sc., LLB., Presiding Officer.

Between —

The workmen represented by the Secretary, Karnataka Watch Workers' Union, Maidan Cross Road, Mangalore-1.

... *I Party.*

and

The management of M. Vaman Nayak and Sons, K.S.R. Road, Mangalore-1.

... *II Party*

This Industrial dispute between the workmen and the management of M Vaman Nayak and Sons, K.S.R. Road, Mangalore-1 was referred by the Government of Mysore to this Court *vide* Order No. FCL 441 LLD 70 dated 15th October, 1970 under Section 10(1) (c) of the Industrial Disputes Act, 1947 for adjudication on the following points of dispute :

"I. Are the workmen of Vaman Nayak and Sons, Mangalore justified in demanding that a gratuity scheme be introduced with effect from 1st August 1969 as follows :—

One month's salary or wages for every completed year of service.

(i) on superannuation at the age of 55 years ;

(ii) on physical or mental incapacity to continue to work ;

(iii) on death (to his legal heirs) ; and,

(iv) on voluntary resignation after 5 years of continuous service ?

II. If not, to what other quantum of gratuity or relief are the said workmen entitled ?"

2. After the receipt of the reference it was registered as Reference (ID) (LCM) No. 40 of 1970 on the file of this Court, and notices were issued to the parties to file their statements. The First party is represented by Sri P S. Tellicherikar, and the Second party is represented by Sri K. S. Rao. The claim statement was filed by the First party on 14th December 1970. The case was adjourned to 17th December 1970 for counter statement. On 17th December 1970 Sri K. S. Rao took time for filing the counter statement. But on 24th December 1970 Sri P.S. Tellicherikar for the First party asked for time to file a withdrawal memo, the same matter being referred to the Industrial Tribunal, Bangalore also. On 31st Deceber 1970 also he took time for filing the withdrawal memo. On 5th January 1671, *i.e*, today, Sri P.S. Tellicherikar for the First party filed the memo of withdrawal. Sri Arun Kumar is present for K.S. Rao, Advocate for the Sceond party. In the withdrawal memo it is stated taht a

dispute on the same points has been referred before the Industrial Tribunal, Bangalore in Ref. No. I.D. No. 29 of 1970, and that in view of the above reference the dispute before this Court in I.D. LCM. No. 40 of 1970 is not pressed. It was prayed to order the parties to bear their own costs. The facts mentioned in the claim statement are not required to be narrated here, in view of this withdrawal memo, and the counter statement also is not filed in this case. Hence I make the following award:

AWARD

The reference is rejected as not pressed. The parties shall bear their respective costs of this reference.

Mangalore,
Dated 5th January 1971.

MOHD. HAMEEDUDDIN KHAN,
Presiding Officer,
Labour Court, Mangalore.